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A  
VINDICATION

OF THE  
POLITICAL PRINCIPLES

OF  
MR. LOCKE.

[ PRICE TWO SHILLINGS. ]

VINDICATION

OF THE

POLITICAL PRINCIPLES

OF

MR. L. O. C. K. E.

[Price Two Shillings.]



A  
VINDICATION  
OF THE  
POLITICAL PRINCIPLES  
OF  
Mr. LOCKE:

IN ANSWER TO THE OBJECTIONS OF  
THE REV. DR. TUCKER,  
DEAN OF GLOCESTER.

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By JOSEPH TOWERS, L.L.D.

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OMNES POTESTATES, IMPERIA, CURATIONES AB UNIVERSO  
POPULO PROFICISCI CONVENIT.

CICERO.

PRINCIPIO OMNEM POTESTATEM A POPULO FLUXISSE, ET  
ETIAMNUM PROFICISCI.

MILTON.

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L O N D O N :

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VINDICATION

OF THE

POLITICAL PRINCIPLES

OF

MR. L. O. C. R.

AS APPLIED TO THE QUESTION OF

THE REV. J. T. U. C. R.

OF OXFORD.



JOSEPH TOWERS, A. B.

PRINTED BY J. T. U. C. R.

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IN THE YEAR 1846

BY J. T. U. C. R.

L. O. C. R.

PRINTED BY J. T. U. C. R.

OXFORD

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# C O N T E N T S.

## S E C T. I.

*THE propriety of vindicating the works of celebrated and valuable authors, from the attacks of sophistry, and the arts of misrepresentation. The heavy charges, brought by the Dean of Gloucester, against the political principles of Mr. Locke, and his followers. Mr. Locke's sentiments vindicated against these unjust accusations. Various extracts from his Treatise concerning Government. An examination of several of the Dean's objections against the principles of Mr. Locke. Whether men have any natural propensity to government. Of the present state of parliamentary representation in England. Of frequent elections. In what sense taxes are said to be free gifts. The striking similarity*



## C O N T E N T S.

*Similarity between the misrepresentations of the principles of liberty by Sir Robert Filmer, in the last century, and those of Dean Tucker in the present.*

### S E C T. II.

*Dr. Tucker's groundless apprehensions of the dangerous tendency of Mr. Locke's opinions, and his unnecessary alarms lest they should lead men to insurrections and rebellions. The sentiments of Algernon Sydney concerning those seditions and tumults, to which free states may be sometimes subject; and that order, peace, and tranquility, which are produced by despotic governments. Whether it be just to compel the members of political communities to continue subject to those governments under which they were born, and to prevent their removal to other countries.*

### S E C T. III.

*Observations on Dean Tucker's representation of the condition of the antient tenants in villenage, and soccage tenants. Extracts from various learned writers on that subject. Strictures on the system of government*



## C O N T E N T S.

*government exhibited to the public by the Dean of Gloucester. On the equality of mankind. On the Revolution. On the civility and decency, with which Mr. Locke, and his followers, are treated by Dr. Tucker.*

### S E C T. IV.

*Of the Qualification laws. Of Republicanism. Of Opposition to Government. Of Dr. Tucker's scriptural observations concerning obedience to government.*

### S E C T. V.

*General remarks on the Treatise on Government written by Mr. Locke, and on Dean Tucker's performance on the same subject. General principles of Mr. Locke, and sundry extracts from his Treatise. Character of that celebrated Philosopher, and observations on the tendency and merit of his Writings. Conclusion.*



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A

# VINDICATION, &c.

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## S E C T. I.

**I**T is an act of justice due to those who have been the great luminaries and benefactors of mankind, who have extended beneficial knowledge, and enlarged the boundaries of science, to vindicate their memory from unjust accusations, and to elucidate their principles, when clouded by misrepresentation, and by sophistry. It is with this view that I have been led to make some remarks on a Work lately published, by Dr. TUCKER,

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Dean of Gloucester, in which that gentleman has attacked the political sentiments of Mr. LOCKE, and endeavoured to overturn those principles of government that have been laid down by that illustrious writer; principles, which have been deservedly applauded by some of the wisest men of this, as well as of other countries; and the solidity of which has been generally admitted, by the sincerest and most enlightened friends to the rights of human nature.

It is to be regretted, that when some of the most ingenious men in foreign nations, in nations wherein they have been trained up and accustomed to arbitrary government, are disseminating the most liberal principles of civil policy, and are daily becoming more enlightened with respect to the rights of mankind, there should be so many writers, in this free country, labouring to discredit and discountenance those principles of public freedom, to which Great Britain owes, more than to any other cause, its dignity  
and



and celebrity among the nations of the world.

IF the representations which the Dean of Gloucester has given of the principles of Mr. Locke were to be admitted, and his consequences to be allowed, this great man must have been one of the most pernicious writers that ever communicated his sentiments to the public. The Dean informs his readers, in his preface<sup>a</sup>, that he thinks Mr. Locke's principles 'to be 'extremely dangerous to the peace and 'happinefs of all societies:' and in another place, that the writings of Mr. Locke, and some of the most eminent of his disciples, 'have laid a foundation for 'such disturbances and dissensions, such 'mutual jealousies and animosities, as 'ages to come will not be able to settle or 'compose<sup>b</sup>.' In another place he also says, 'Surely a more pernicious set of 'opinions than the Lockian could hardly

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“ be

<sup>a</sup> P. iii.

<sup>b</sup> Tucker's Treatise concerning Civil Government, p. 22.

“be broached by man<sup>c</sup>:” and, speaking of what he calls the paradoxes which he supposes to attend the system of Mr. Locke and his followers, he asserts, that  
 ‘they render it one of the most mischievous, as well as ridiculous schemes, that ever disgraced the reasoning faculties of human nature<sup>d</sup>.’

THESE are strong assertions, and expressed in terms highly injurious and disrespectful to Mr. Locke, and to those who have adopted his sentiments; and such assertions ought at least to have been well supported. But the fact is far otherwise: and I am firmly convinced, after a careful perusal of Dean Tucker’s book, and paying a due attention to his objections, that he has done the greatest injustice to Mr. Locke, and grossly misrepresented his opinions; and that the general maxims of government, laid down by that celebrated writer, are highly rational and just, and calculated, so far as they are attended to, for the promotion of the

<sup>c</sup> Ibid. p. 112.

<sup>d</sup> Ibid. p. 160.

the great interests of mankind. It may, however, be observed, that in vindicating the principles of Mr. Locke, it is not necessary to defend the propriety of every particular phrase which may have been used by him; though he is a writer of such perspicuity and accuracy, as not to require much apology on this head. But his great and general principles are founded upon truth and reason, and are not to be shaken by logical subtilties, or by verbal criticism.

HAVING made these preliminary observations, I shall now proceed more particularly to examine the most important of the objections, which have been advanced by the Dean of Gloucester, against the political principles of Mr. Locke.

ONE of the Dean's first objections is, that 'almost all the writers on the republican side of the question, with Mr. Locke at the head of them, seem to represent civil government at the best, rather as a necessary evil, than a positive good;—an evil to which mankind are obliged to submit, in order to avoid a greater.



‘greater.’ But this objection appears to have very little weight in it; and what the Dean says may be admitted, without any just censure of Mr. Locke’s principles, or those of his followers. Dr. Tucker is displeased, that they do not represent men as having a natural propensity to government. The fact is, that they have no such propensity. Men have strong natural propensities for friends, for companions, and for other social connexions; but no man feels a strong propensity for a magistrate of any kind, or for any species of laws, till he experiences, or is convinced of, the inconvenience of living without them.

IN order to enforce his charge against the disciples of Mr. Locke, that they represent men ‘as naturally shewing an  
‘aversion, and a repugnance to every  
‘kind of subordination, ’till dire necessity  
‘compels them to enter into a solemn  
‘compact, and to join their forces together for the sake of self-preservation,’  
he



he gives a quotation from Dr. Priestley's  
 " Effay on the first principles of Govern-  
 " ment ;" and on which he makes the  
 following remarks : ' It is very observa-  
 ' ble,' says the Dean, ' that the author  
 ' (Dr. Priestley) supposes government to  
 ' be so entirely the work of art, that na-  
 ' ture had no share at all in forming it ;  
 ' or rather in predisposing and inclining  
 ' mankind to form it. The instincts of  
 ' nature, it seems, had nothing to do in  
 ' such

' Dr. Priestley's words are : ' To begin with first  
 ' principles, we must, for the sake of gaining clear  
 ' ideas on the subject, do what almost all political  
 ' writers have done before us ; that is, we must sup-  
 ' pose a number of people existing, who experience  
 ' the inconvenience of living independent and un-  
 ' connected ; who are exposed, without redress, to  
 ' insults and wrongs of every kind ; and too weak to  
 ' procure themselves many of the advantages, which  
 ' they are sensible might easily be compassed by united  
 ' strength. These people, if they would engage the  
 ' protection of the whole body, and join their force in  
 ' enterprizes and undertakings calculated for their  
 ' common good, must voluntarily resign some part  
 ' of their natural liberty, and submit their conduct to  
 ' the direction of the community : for without these  
 ' concessions, such an alliance, attended with such  
 ' advantages, could not be formed.' P. 9, 10. edit.  
 1768.

' such a complicated business of chicanery  
 ' and artifice, where every man was for  
 ' the best bargain he could; and where all  
 ' in general, both the future governors  
 ' and governed, were to be on the catch  
 ' as much as possible. For this author  
 ' plainly supposes, that his first race of  
 ' men had not any innate propensity to  
 ' have lived otherwise, than as so many  
 ' independent unconnected beings, if they  
 ' could have lived with tolerable safety in  
 ' such a state: in short, they did not feel  
 ' any instincts within themselves, kindly  
 ' leading them towards associating, or in-  
 ' corporating with each other; though  
 ' (what is rather strange) providence or-  
 ' dained, that this way of life was to be  
 ' so essentially necessary towards their  
 ' happiness, that they must be miserable  
 ' without it:—nay, they were driven by  
 ' necessity, and not drawn by inclination,  
 ' to seek for any sort of civil government  
 ' whatever.' All that the Dean says here  
 about *chicanery*, and *artifice*, and *driving*  
*bargains*, and *being on the catch*, it must be  
 remarked,

remarked, is entirely of his own fabrication; nothing similar occurring in the quotation that he has given from Dr. Priestley: and it is manifest, from the whole of this passage, that Dr. Tucker confounds the natural propensity of men to society, with a supposed natural inclination for government, of which we know not that any traces are discernible. It is a desire of security, and not social affections, that leads men to government. Experience, and the dictates of reason, will convince them of the necessity of some mode of civil government: but they are led to society by the propensities of nature.

IN another part of his work, the Dean has pointed out sundry particulars in the human species, which naturally lead them to associate with each other, and which he considers as amounting to sufficient evidence of their propensity to government: and here he expresses himself with more clearness than at the beginning of his book. For here he does not absolutely confound a propensity to society with a

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propensity to government ; but speaks of the " disposition in human creatures to " associate with their like," as only " a " leading step towards civil society<sup>b</sup>." But it would be to little purpose to follow our author in all his inquiries upon this subject, and to examine Aristotle, Cicero, Grotius, and Hooker, as the Dean has done<sup>i</sup>, in order to discover whether men have a natural propensity to government. The passages that he has quoted prove little more, than what Mr. Locke and his followers would readily have admitted, that men have a natural propensity to associate themselves together, and that a very moderate degree of experience would convince them, of the expedience and utility of some mode of government, for their mutual protection and defence. ' Mankind,' says Mr. Locke, ' notwithstanding all the privileges of the ' state of nature, being but in an ill condition, while they remain in it, are ' quickly driven into society. Hence it ' comes to pass, that we seldom find any ' number

<sup>b</sup> P. 124, 125. Vid. also P. 151, where the Dean distinguishes between *natural* and *political* society.

<sup>i</sup> P. 381. 385, 395, 400.



' number of men live any time together in  
 ' this state. The inconveniences that they  
 ' are therein exposed to, by the irregular  
 ' and uncertain exercise of the power  
 ' every man has of punishing the trans-  
 ' gressions of others, make them take  
 ' sanctuary under the established laws of  
 ' government, and therein seek the pre-  
 ' servation of their property. It is this  
 ' makes them so willingly give up every  
 ' one his single power of punishing, to  
 ' be exercised by such alone, as shall be  
 ' appointed to it amongst them; and by  
 ' such rules as the community, or those  
 ' authorized by them to that purpose,  
 ' shall agree on <sup>k</sup>.

As to the charge against Mr. Locke,  
 and his disciples, that they represent civil  
 government rather as a necessary evil, than  
 a positive good, it may be sufficient to  
 remark, that if all men were virtuous,  
 there would be no occasion for either  
 government or laws. In that view, there-  
 fore, they may, without the least impro-  
 priety,

<sup>k</sup> Locke on Government, Book II. ch. ix. §. 127.

priety, be considered as an evil. But it is certain, that neither Mr. Locke, nor any of his disciples, ever entertained any doubt about the necessity of laws and government. This, it might have been presumed, should have been sufficient to have satisfied Dr. Tucker, though they did entertain some doubts whether mankind had any propensity to government, independently of the consideration of its utility.

THE Dean also complains, that ‘ Mr. Locke, and his followers, have extended ‘ the privilege of voting, or of giving ‘ actual consent, in all the affairs of government and legislation, beyond what ‘ was ever dreamt of before in this, or in ‘ any other civilized country ;—nay, according to their leading principles, it ‘ ought to be extended still much farther, ‘ than even they themselves have done. ‘ Before this new system had made its appearance among us, the right of voting ‘ was not supposed to be an unalienable ‘ right, which belonged to all mankind ‘ indiscriminately : but it was considered ‘ as

‘ as a privilege, which was confined to  
 ‘ those few persons who were in possession  
 ‘ of a certain quantity of land, to per-  
 ‘ sons enjoying certain franchises, (of  
 ‘ which there are various kinds) and to  
 ‘ persons of a certain condition, age, and  
 ‘ sex. Perhaps all these numbers put to-  
 ‘ gether may make about the fortieth part  
 ‘ of the inhabitants of Great Britain: they  
 ‘ certainly cannot make much more, if an  
 ‘ actual survey and enumeration were to  
 ‘ be made<sup>1</sup>.’

It may be readily admitted, that Mr. Locke and his followers wished to extend the present partial representation of the people, and to make it more agreeable to reason and to justice, and more likely to promote the general interests of the whole community. But this is not one of the defects of Mr. Locke's system, but one of its principal excellencies. As all just government, and all national assemblies properly constituted, must be intended to promote the happiness of the whole community, the more general the representation

<sup>1</sup> Tucker, p. 25, 26.



sentation is, the more probable it is that this end will be obtained. Parliaments are not appointed to advance the interests of any particular bodies or classes of men, in preference to others, but to make laws for the protection, security, and advantage, of the community at large ; every individual, therefore, is interested in the proceedings of parliament ; and the more general the representation is, it must be the more equitable, and it will be the more likely that the welfare of all will be impartially consulted. A partial representation will naturally produce partial laws, and be a source of oppression and injustice ; and a partial representation may be influenced and corrupted by the crown, in a manner that would be totally impossible, if the people enjoyed a fair, equal, and general representation in parliament.

No unprejudiced person can, indeed, consider the present state of parliamentary representation in England, without being convinced that it is partial and inadequate, and ill calculated to advance the real interests

terests of the nation. Dean Tucker himself supposes, that the voters for representatives in parliament amount to no more than "about the fortieth part of the inhabitants of Great Britain<sup>m</sup>." Can it then be thought agreeable to any principles of reason, or of justice, that thirty nine fortieths of the kingdom should be excluded from so important a privilege; or that a fortieth part of the people ought to be invested with a right of disposing of the properties of all the rest?

It is certainly absurd and unjust, that large and populous towns should send no representatives to parliament, while the most inconsiderable boroughs return members, and even places in which scarcely an inhabitant can be found. 'To what gross absurdities,' says Mr. Locke, 'the following of custom, when reason has left it, may lead, we may be satisfied, when we see the bare name of a town, of which there remains not so much as  
' the

' the ruins, where scarce so much housing  
 ' as a sheepcote, or more inhabitants than  
 ' a shepherd is to be found, sends as many  
 ' representatives to the grand assembly of  
 ' law-makers, as a whole county nume-  
 ' rous in people, and powerful in riches.  
 ' This strangers stand amazed at, and  
 ' every one must confess needs a remedy \*.'

Dean Tucker indeed supposes, that Bir-  
 mingham, Manchester, Leeds, and other  
 great towns, would remonstrate against  
 being admitted to send members to parlia-  
 ment °. It is possible, that a few mer-  
 cenary tradesmen and manufacturers of  
 those towns, men who have scarcely an  
 idea of excellence in any thing but the  
 acquisition of money, might concur in  
 opinion with Dr. Tucker: but it is surely  
 not probable, that any considerable num-  
 ber of the inhabitants of those great and  
 respectable towns, could be mean and  
 fordid enough to refuse so important a  
 privilege, as that of being represented in  
 the great council of the nation.

It appears repugnant to every principle  
 of reason, to suppose, that a partial par-  
 liamentary



liamentary representation will better promote the interests of the great body of the people, than one more general or universal. 'It being the interest,' says Mr. Locke, 'as well as intention of the people, to have a fair and equal representative; whoever brings it nearest to that, is an undoubted friend to, and establisher of the government, and cannot miss the consent and approbation of the community.'—'Whatever cannot but be acknowledged to be of advantage to the society, and people in general, upon just and lasting measures, will always, when done, justify itself; and whenever the people shall chuse their representatives upon just and undeniably equal measures, suitable to the original frame of the government, it cannot be doubted to be the will and act of the society, whoever permitted or caused them so to do <sup>P.</sup>'

As Dean Tucker is no friend to a general representation of the people, neither

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is

is he a friend to frequent elections. He says, that "annual, or even triennial" appeals to the whole mass of the people, "would bring *swift ruin and destruction* on "all our trade and manufactures<sup>9</sup>." It is surely very extraordinary, that the people of this country cannot meet once a year, or even once in three years, in the places appropriated for election in the different parts of the kingdom, to chuse their representatives in parliament, without totally ruining all their trade. I can hardly suppose it possible, that any man in the kingdom, excepting the Dean of Gloucester, can be seriously of this opinion; and I should not have supposed it possible for him to have entertained so strange an idea, if he had not himself asserted it. That our parliamentary elections are often attended with much riot and confusion, must be admitted; but this is no necessary consequence of them; and appears merely to arise from the want of proper regulations. The citizens of London, who are householders, elect their common-

common-council-men annually, with little disturbance, and little loss of time. The office of a member of parliament would naturally occasion more contest, as being much more important than that of a common-council-man of the city of London; but the one may be elected in as short time as the other, in proportion to the number of votes to be taken; and, if proper regulations were adopted, there can be no reason to doubt, but that members of parliament might be elected in every part of the kingdom, in a short time, and with little confusion. Dean Tucker says, that "in London, the people are the most licentious upon earth;" and yet the elections of members of parliament in London; where the electors are computed to amount to seven thousand, are seldom attended with much disorder; and might be finished in less time, and be conducted with less irregularity, than they now are. If there were a sincere desire, in those who are most able to effectuate it, to establish a fair and equal representation of the people, which desire would be attended with a disposition to  
adopt



adopt proper regulations, I am well convinced, even annual elections of the people at large might be conducted with much less disorder and confusion, than are now attendant on our present partial and septennial elections. But where there is not a real disposition to effectuate a measure, but on the contrary a desire to defeat it, nothing can be more easy than to accumulate imaginary difficulties.

‘ If all mankind,’ says Dr. Tucker, ‘ have a right to vote in any society, they have, for the very same reason, a right to reject the proceedings of the government of that society to which they belong, and to separate from it, whenever they shall think fit. For it has been inculcated into us over and over, that every man’s consent ought first to be obtained, before any law whatever can be deemed to be valid, and of full force. — We have been also assured that all, and every kind of taxes, are merely *free-gifts*: which, therefore, *no individual giver* is obliged to pay, unless he has previously consented to the payment of

' of it. From these premises it un-  
 ' doubtedly follows, that *every individual*  
 ' *member* of the state is at full liberty  
 ' either to submit, or to refuse submission to  
 ' any, and to every regulation of it, ac-  
 ' cording as he had predetermined in his  
 ' own mind. For being his own legisla-  
 ' tor, his own governor, and director in  
 ' every thing, no man has a right to pre-  
 ' scribe to him what he ought to do.  
 ' Others may advise, but he alone is to  
 ' dictate, respecting his own actions. For  
 ' in short, he is to obey no other will but  
 ' his own.' ' These,' the Dean adds, ' are  
 ' surely very strange positions;' and so  
 they most certainly are: but they are not  
 the positions of Mr. Locke, nor is there  
 any one of his followers, of whose writings  
 I have any knowledge, to whom they can  
 with the least reason be attributed. Either  
 therefore, Dean Tucker has not under-  
 stood the authors whom he has quoted,  
 and concerning whom he has written, or  
 he has wilfully misrepresented them. I  
 should be sorry to suppose the latter, and  
 it is not easy to suppose the former.

MR.

MR. LOCKE says, that the end of civil society is, 'to avoid, and remedy those  
 'inconveniences of the state of nature,  
 'which necessarily follow from every man  
 'being judge in his own case, by setting  
 'up a known authority, to which every  
 'one of that society may appeal upon any  
 'injury received, or controversy that may  
 'arise, and which every one of the society  
 'ought to obey'. He also says, that  
 'every man, by consenting with others,  
 'to make one body politic under one go-  
 'vernment, puts himself under an obli-  
 'gation, to every one of that society, to  
 'submit to the determination of the  
 'majority, and to be concluded by it:  
 'or else this original compact, whereby  
 'he with others incorporated into one  
 'society, would signify nothing, and be  
 'no compact, if he be left free, and under  
 'no other ties than he was in before in the  
 'state of nature'. In another place he  
 observes, that 'when any number of  
 'men have consented to make one com-  
 'munity

\* Locke on Government, Book II. ch vii. §. 90.

\* Ib. §. 97.



' munity or government, they are thereby  
 ' presently incorporated, and made one  
 ' body politic, wherein the majority have  
 ' a right to act and conclude the rest. For  
 ' when any number of men have, by the  
 ' consent of every individual, made a  
 ' community, they have thereby made  
 ' that community one body, with a power  
 ' to act as one body, which is only by the  
 ' will and determination of the majority:  
 ' for that which acts any community,  
 ' being only the consent of the individuals  
 ' of it, and it being necessary to that which  
 ' is one body to move one way; it is ne-  
 ' cessary that the body should move that  
 ' way whither the greater force carries it,  
 ' which is the consent of the majority:  
 ' or else it is impossible it should act or  
 ' continue one body, one community,  
 ' which the consent of every individual  
 ' that united into it, agreed that it should;  
 ' and so every one is bound by that con-  
 ' sent to be concluded by the majority'.  
 And Dr. Price says, that ' all laws are  
 ' particular provisions or regulations esta-  
 ' blished

‘ blished by common consent for granting  
‘ protection and safety “.’

WHEN it is said, that taxes are *free-gifts*, it is not meant, that they are free-gifts, which every individual may either pay or decline as he thinks proper; but that they are the free-gifts of the majority, of the community at large, to the magistrate, or executive power, to be employed for the people, and to be granted at their discretion. ‘ Governments,’ says Mr. Locke, ‘ cannot be supported without great charge; and it is fit that every one, who enjoys his share of the protection, should pay out of his estate his proportion for the maintenance of it. But still it must be with his own consent, i. e. the consent of the majority, giving it either by themselves, or their representatives chosen by them: for if any one shall claim a power to lay and levy taxes on the people, by his own authority, and without such consent of the people, he thereby invades the fundamental

“ Observations on the nature of civil liberty,  
part I. §. 2.

‘damental law of property, and subverts  
 ‘the end of government’.” Such are  
 the sentiments of Mr. Locke; and Dr.  
 Price must be understood in the same  
 manner, when he says, that “in every  
 “free state every man is his own legisla-  
 “tor;” and that “all taxes are free-gifts  
 “for public services.”

‘A TAX in the very nature of it,’ the  
 Dean says, ‘implies something compul-  
 ‘sory, and not discretionary: something,  
 ‘which is not in our own free choice,  
 ‘but is imposed by an authority superior  
 ‘to our own.’ I shall not inquire  
 whether this definition of the nature of  
 a tax be perfectly just, but shall only re-  
 mark, that it was never supposed by Mr.  
 Locke, nor by any of his followers, that it  
 was to be at the option of every individual  
 whether he should, or should not, pay  
 taxes. But in a government constituted  
 on the principles of Mr. Locke, the supe-  
 Erior

¶ Ib. ch. xi. §. 140.

\* Observations on the nature of civil Liberty,  
 Part I. §. 2.

¶ P. 49.



rior authority, by which taxes are to be levied, is the authority and consent of the majority; every member of the community having voted either by himself, or by his representative; and consequently every individual is under the most indispensable obligation to pay the taxes so levied.

SHOULD it be alledged by the Dean, that though, according to Mr. Locke's principles, the members of any community are obliged to obey the laws to which the majority have agreed, yet that they would not be under any such obligation without that consent, even that subterfuge would not avail him; because Mr. Locke maintains, that while men continue in any society, they must comply with the laws of it. 'No body doubts,' he says, 'but an express consent, of any man entering into any society, makes him a perfect member of that society, a subject of that government. The difficulty is, what ought to be looked upon as a tacit consent, and how far it binds, i. e. how far any one shall be looked on to have consented, and thereby submitted to any government, where he has made no expressions

' preffions of it at all. And to this I say,  
 ' that every man that hath any poffeffions,  
 ' or enjoyment, of any part of the do-  
 ' minions of any government, doth there-  
 ' by give his tacit confent, and is as far  
 ' forth obliged to obedience to the laws of  
 ' that government, during fuch enjoy-  
 ' ment, as any one under it; whether this  
 ' his poffeffion be of land, to him and his  
 ' heirs for ever, or a lodging only for a  
 ' week; or whether it be barely travelling  
 ' freely on the highway; and, in effect,  
 ' it reaches as far as the very being of any  
 ' one within the territories of that govern-  
 ' ment'. It is manifef from thefe paf-  
 fages, that when the Dean of Glocefter  
 infinuates to his readers, that it is the  
 doctrine of Mr. Locke, or that it is a ne-  
 ceflary confequence from his doctrine,  
 that individuals are to pay taxes, and to  
 obey the laws, no farther than they please,  
 he is guilty of a very grofs and flagrant  
 mifrepresentation.

IN another place Dr. Tucker fays, that  
 thofe who have adopted the sentiments of

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Mr.

<sup>2</sup> Ib. ch. viii. §. 120.

Mr. Locke, 'esteem civil government,  
 'even in its best estate, to be a kind of  
 'unnatural restraint on the native free-  
 'dom of man:—it is an evil, which he  
 'must bear, because he cannot help him-  
 'self; but yet which he is continually  
 'endeavouring to shake off, in order  
 'to become totally free and indepen-  
 'dent'. Mr. Locke, on the contrary, has  
 declared, that 'Civil government is the  
 'proper remedy for the inconvenien-  
 'cies of the state of nature, which must  
 'necessarily be great, where men may  
 'be judges in their own case<sup>b</sup>;' that  
 'men enter into society to preserve their  
 'lives, liberties, and fortunes, and by  
 'stated rules of right and property to  
 'secure their peace and quiet<sup>c</sup>:' and that  
 'to avoid those inconveniencies which  
 'disorder men's properties in the state of  
 'nature, men unite into societies, that  
 'they may have the united strength of the  
 'whole society to secure and defend their  
 'properties, and may have standing rules  
 'to bound it, by which every one may  
 'know what is his<sup>d</sup>.'

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<sup>a</sup> P. 76.<sup>b</sup> §. 13.<sup>c</sup> §. 317.<sup>d</sup> §. 136.



THE Dean also says, 'Let the unpeo-  
 'pled regions of America, those *vacua*  
 'loca, mentioned by Mr. Locke, be the  
 'theatre for exhibiting this curious phæ-  
 'nomenon, a Lockian republic! Where  
 'all taxes are to be free-gifts, and every  
 'man is to obey no farther, and no other-  
 'wise, than he himself chuses to obey.'  
 It was never supposed by Mr. Locke, or  
 any of his followers, that under any  
 mode of government, even in a republic  
 of the freest kind, in which every man  
 had a vote, that when the majority of the  
 community had agreed to levy a tax, or  
 had enacted a law, that individuals were  
 left to their own choice, whether they  
 would pay the one, or obey the other.  
 But in this gross kind of misrepresenta-  
 tion does the Dean indulge himself,  
 throughout various parts of his book.  
 Whether this be at all consistent with  
 candour, or with common justice, I shall  
 leave Dr. Tucker himself to determine.

THE misrepresentations of the great  
 principles of liberty by that eminent  
 advocate

advocate for tyranny, Sir Robert Filmer, and those of Dr. Tucker, appear to be extremely similar. 'Freedom,' says Mr. Locke, 'is not what Sir Robert Filmer tells us, *a liberty for every one to do what he lists, to live as he pleases, and not to be tied by any laws*: but freedom of men under government is, to have a standing rule to live by, common to every one of that society, and made by the legislative power erected in it; a liberty to follow my own will in all things, where the rule prescribes not; and not to be subject to the inconstant, uncertain, arbitrary will of another man.' Mr. Locke, in another place, says, 'Liberty is, to be free from restraint and violence from others; which cannot be, where there is no law: but freedom is not, as we are told, a liberty for every man to do what he lists: (for who could be free, when every other man's humour might domineer over him?) but a liberty to dispose, and order as he lists his person, actions, possessions, and his whole property, within the allowance of those laws

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Locke, Book II. ch. iv. §. 22.

‘ laws under which he is, and therein not to  
 ‘ be subject to the arbitrary will of others,  
 ‘ but freely follow his own <sup>a</sup>.’ And that  
 ‘ the liberty of man, in society, is, to be  
 ‘ under no other legislative power, but  
 ‘ that established, by consent, in the com-  
 ‘ mon-wealth; nor under the dominion  
 ‘ of any will, or restraint of any law,  
 ‘ but what the legislative shall enact, ac-  
 ‘ cording to the trust put in it <sup>b</sup>.’

HAD Dr. Tucker lived in the days of  
 Filmer, he would probably have been one  
 of his disciples; but the doctrines of  
 that writer are too much exploded, in the  
 present age, for any man to venture to  
 maintain them; and therefore all that the  
 Dean of Gloucester can now do, is not  
 formally to vindicate Filmer, but to de-  
 grade Locke as much as possible. It may  
 also be remarked, that Dr. Tucker has  
 probably derived considerable political in-  
 formation from the writings of Mr. Locke,  
 though he does not admit all his doctrines.  
 But, as Dr. Johnson well observes, ‘ it is not  
 ‘ uncommon

<sup>a</sup> Ibid. §. 57.

<sup>b</sup> Ibid. §. 22.



‘ uncommon for those who have grown  
 ‘ wise by the labour of others, to add a  
 ‘ little of their own, and overlook their  
 ‘ masters.’ The Dean cannot, indeed,  
 be said to have made any valuable addition  
 to Mr. Locke’s system : but the best political  
 principles in his book are those which  
 he has borrowed from Mr. Locke, or in  
 which he perfectly agrees with him. He  
 appears, indeed, to be very happy, at  
 the information which has, it seems,  
 been communicated to him by some of his  
 friends, that Mr. Locke’s reputation is  
 on the decline. Before he obtained this  
 knowledge, he had printed a list of Mr.  
 Locke’s mistakes, to be dispersed among  
 his friends ; but he now acquaints his  
 readers, in his preface, that he has to-  
 tally suppressed that enumeration of Mr.  
 Locke’s errors, the publication being un-  
 necessary, on account of the declension  
 of his reputation. The admirers of Mr.  
 Locke may, however, hope, with some  
 reason, that his reputation will not be  
 much diminished by the attacks of the  
 Dean

Dean of Gloucester, and that the political system of the latter, if it deserves that name, will not supersede that of the former.

**F S E C T.**

## S E C T. II.

**T**HE Dean of Glocester seems to labour under great apprehensions, that if Mr. Locke's principles be admitted, they will lead men to throw off their subjection to the governments under which they live, and be a perpetual source of insurrections and rebellions, of convulsions and calamities. He is alarmed lest the sentiments of Mr. Locke should endanger the security of states and kingdoms.

————— *Ne populus fremens*  
*Ad arma cessantes, ad arma*  
*Concitet, imperiumque frangat.*

BUT his fears upon this occasion are certainly too great. There is not that  
 S E C T. I. danger



danger of men's attempting to overturn established governments, of which he has entertained so formidable an idea. It is too hazardous an undertaking, and men will not easily be found to engage in such enterprizes, merely from speculative opinions. They must generally feel oppression, and severely feel it, before they will make any efforts to oppose the government to which they have been accustomed, however defective and inequitable its constitution. And whenever the tyranny of rulers has occasioned the governed to throw off the yoke, it is certainly better that they should establish a new system, more agreeable to natural equity, and to the rights of mankind. Thousands, in every age, have been sacrificed to gratify the ambition, and the tyranny of princes; but it would be abundantly more rational, and more honourable, that men should devote their lives in the promotion of general liberty, and in the establishment of such systems of government, as are consonant to reason, and to justice.

WARS are certainly great calamities,  
 and ought therefore never to be inconfi-  
 derately or unnecessarily engaged in ; but  
 there are periods in which a state of peace  
 may be a greater evil ; and perhaps any  
 war is preferable to the dead repose of des-  
 potism. ‘ It is ill,’ says Algernon Sydney,  
 ‘ that men should kill one another in fed-  
 ‘ tions, tumults, and wars ; but it is  
 ‘ worse, to bring nations to such misery,  
 ‘ weakness, and baseness, as to have nei-  
 ‘ ther strength, nor courage to contend  
 ‘ for any thing ; to have left nothing  
 ‘ worth defending, and to give the name  
 ‘ of peace to desolation. I take Greece to  
 ‘ have been happy and glorious, when it was  
 ‘ full of populous cities, flourishing in  
 ‘ all the arts that deserve praise amongst  
 ‘ men ; when they were courted and feared  
 ‘ by the greatest kings, and never assaulted  
 ‘ by any but to his own loss and confusion ;  
 ‘ when Babylon and Susa trembled at the  
 ‘ motion of their arms ; and their valour,  
 ‘ exercised in those wars and tumults,  
 ‘ which Sir Robert Filmer looks upon as  
 ‘ the greatest evils, was raised to such a  
 ‘ power, that nothing upon earth was  
 ‘ found

' found able to resist them : and I think it  
 ' now miserable, when peace reigns within  
 ' their empty walls, and the poor remains  
 ' of those exhausted nations, sheltering  
 ' themselves under the ruins of the deso-  
 ' lated cities, have neither any thing that  
 ' deserves to be disputed among them,  
 ' nor spirit or force to repel the injuries  
 ' they daily suffer from a proud and in-  
 ' supportable master.'

' THE like,' proceeds this illustrious  
 writer, ' may be said of Italy : while it  
 ' was inhabited by nations governing  
 ' themselves by their own will, they fell  
 ' sometimes into domestic seditions, and  
 ' had frequent wars with their neighbours.  
 ' When they were free, they loved their  
 ' country, and were always ready to fight  
 ' in its defence. Such as succeeded well,  
 ' increased in vigour and power ; and even  
 ' those that were the most unfortunate in  
 ' one age, found means to repair their  
 ' greatest losses, if their government con-  
 ' tinued. Whilst they had a property in  
 ' their goods, they would not suffer the  
 ' country to be invaded, since they knew  
 ' they



' they could have none, if it were lost.  
 ' This gave occasion to wars and tumults ;  
 ' but it sharpened their courage, kept up  
 ' a good discipline, and the nations that  
 ' were most exercised by them, always  
 ' increased in power and number ; so  
 ' that no country seems ever to have been  
 ' of greater strength than Italy was, when  
 ' Hannibal invaded it : and after his de-  
 ' feat, the rest of the world was not able  
 ' to resist their valour and power. They  
 ' sometimes killed one another ; but their  
 ' enemies never got any thing but bury-  
 ' ing places within their territories. All  
 ' things are now brought into a very dif-  
 ' ferent method by the blessed govern-  
 ' ments they are under. The fatherly  
 ' care of the king of Spain, the pope,  
 ' and other princes, has established peace  
 ' among them. We have not in many  
 ' ages heard of any sedition among the  
 ' Latins, Sabines, Volsci, Equi, Samnites,  
 ' or others. The thin, half-starved inha-  
 ' bitants of walls supported by ivy, fear  
 ' neither popular tumults, nor foreign  
 ' alarms ; and their sleep is only inter-  
 ' rupted by hunger, the cries of their  
 ' children,

' children, or the howling of wolves.  
 ' Instead of many turbulent contentious  
 ' cities, they have a few scattered silent  
 ' cottages; and the fierceness of those  
 ' nations is so tempered, that every ras-  
 ' cally collector of taxes extorts without  
 ' fear from every man, that which should  
 ' be the nourishment of his family. And  
 ' if any of those countries are free from  
 ' that pernicious vermin, it is through  
 ' the extremity of their poverty. Even  
 ' in Rome a man may be circumvented by  
 ' the fraud of a priest, or poisoned by  
 ' one who would have his estate, wife,  
 ' whore, or child; but nothing is done  
 ' that looks like tumult or violence.  
 ' The governors do as little fear Gracchus  
 ' as Hannibal; and instead of wearying  
 ' their subjects in wars, they only seek,  
 ' by perverted laws, corrupt judges, false  
 ' witnesses, and vexatious suits, to cheat  
 ' them of their money and inheritance.  
 ' This is the best part of their condition.  
 ' Where these arts are used, there are  
 ' men, and they have something to lose;  
 ' but for the most part the lands lie waste,  
 ' and they who were formerly troubled  
 ' with

‘ with the disorders incident to populous  
 ‘ cities, now enjoy the quiet and peace-  
 ‘ able estate of a wilderness <sup>k</sup>.’

‘ If they,’ says Mr. Locke, ‘ who say  
 ‘ it lays a foundation for rebellion, mean  
 ‘ that it may occasion civil wars, or in-  
 ‘ testine broils, to tell the people that they  
 ‘ are absolved from their obedience, when  
 ‘ illegal attempts are made upon their  
 ‘ liberties and properties, and may op-  
 ‘ pose the unlawful violence of those  
 ‘ who were their magistrates, when they  
 ‘ invade their properties contrary to the  
 ‘ trust reposed in them ; and that there-  
 ‘ fore this doctrine is not to be allowed,  
 ‘ being so destructive to the peace of the  
 ‘ world : they may as well say, upon the  
 ‘ same ground, that honest men may not  
 ‘ oppose robbers or pirates, because it  
 ‘ may occasion disorder or bloodshed. If  
 ‘ any mischief come in such cases, it is  
 ‘ not to be charged upon him who de-  
 ‘ fends his own right, but on him that  
 ‘ invades

<sup>k</sup> Sydney’s Discourses concerning Government,  
 ch. ii. § 26.



‘invades his neighbour’s. If the innocent honest man must quit all he has, for peace sake, to him who lays violent hands upon it, I desire it may be considered what a kind of peace there will be in the world, which consists only in violence and rapine; and which is to be maintained only for the benefit of robbers and oppressors!’

IN his *Cui Bono*, the Dean endeavours to alarm Mons. Necker, to whom his pamphlet is addressed, with the apprehensions, lest the levelling, destructive principles of Locke, “should be made “the standard of the politics of France<sup>m</sup>.” He has discovered, that there is danger, that even the French ladies, who have acquired so much ascendancy over their husbands and admirers, may imbibe the dangerous principles of Mr. Locke; by which means, in time, a revolution may, possibly, be effected in that country, and a free government established. What a tremendous misfortune! and how much

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are

<sup>1</sup> Ch. xix. § 228.

<sup>m</sup> *Cui Bono*, p. 21, 22.

are the people of France obliged to Dr. Tucker, for these salutary cautions to Monf. Necker, and for his laudable anxiety to perpetuate to them their present despotic government!

THE Dean, connecting together Mr. Locke's treatises on toleration and on civil government, asserts, that Mr. Locke 'extended those ideas, which were true only in what concerns religion, to matters of a mere civil nature, and even to the origin of civil government itself; as if there had been the same plea for liberty of conscience in disobeying the laws of one's country, as for not conforming to a church establishment, or an ecclesiastical institution<sup>a</sup>.' But it is certain, that Mr. Locke never maintained that any man, in any country, had a right to disobey its laws. He asserts, on the contrary, that "no man in civil society can be exempted from the laws of it<sup>o</sup>." Nor does it appear to have been the sentiment of Mr. Locke, that civil  
and

<sup>a</sup> P. 30.

<sup>o</sup> § 94.

and religious rights were equally unalienable and indefeasible. It may, perhaps, be admitted, that there is some difference between civil and religious rights, and that a man may with less criminality sacrifice the former than the latter: and I know not that Mr. Locke has advanced any thing contrary to this opinion. But civil rights are certainly so far indefeasible, that no man can be deprived of them but by his own act. If a man may barter away his own liberty, (which, however, necessarily implies in it meanness and baseness of spirit) he can have no right to dispose of the liberties of others, or of those of his posterity. 'Though it may be supposed,' says Dr. Priestley, 'that a body of people may be bound by a voluntary resignation of all their interests (which they have been so infatuated as to make) to a single person, or to a few, it can never be supposed that the resignation is obligatory to their posterity; because it is manifestly contrary to the good of the whole that it should be so <sup>p</sup>.' But it is

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<sup>p</sup> Essay on the first Principles of Government, p. 17.



the less necessary to dwell much upon this subject, because Dean Tucker has not produced a single passage from Mr. Locke, from which it appears that he considered civil and religious rights as equally indefeasible.

DR. Tucker says, that Mr. Locke, and his followers, 'most strenuously insist, that every man, every individual of the human species, hath an unalienable right to chuse, or refuse, whether he will be a member of this, or that particular government, or of none at all'; and the Dean seems to be much hurt at the idea, that the members of any political community should have a right to quit it when they please. It must be admitted, that, according to Mr. Locke's principles, men may separate themselves from any particular community which they dislike, or in which they conceive themselves to be aggrieved, and into which they did not voluntarily enter: and it is certainly much more for the interest and happiness of mankind that it should be so,

so, than that every man should be chained to the spot, or confined to the country in which he was born, however unhappy his situation, or whatever oppressions he may labour under. If it be necessary for the happiness or prosperity of certain classes of any particular community, that other classes or individuals should continue in that community, and with which they were originally connected, it is the business of that community to render the situation of such persons so desirable, as to induce them voluntarily to continue their connexion. But no man, or body of men, can have a natural right to compel others to continue in a situation in which they find themselves unhappy, and into which they did not voluntarily enter; or to prevent their removal to any other country, in which they believe they can enjoy a greater degree of felicity. An adherence to the natural rights of men in this respect may be attended with inconveniencies to some particular communities: but it would be a much greater evil, and far more inconsistent with the interests of mankind at large,

to

to have it established as a doctrine, that in whatever country a man should happen to be born, he should there be obliged to continue, whatever hardships he might undergo, or whatever advantages he might obtain by a removal. As to the Dean's supposition, that, according to Mr. Locke's principles, a man may decline being subject to any government at all; this can only be, by his going to a country in which there is no government. For it is the clear and express doctrine of Mr. Locke, that while a man continues in any political society, he must be subject to the laws of that society.

As to the supposition, that men are under an obligation to live in the countries in which they were born, to submit to the same laws that their fathers did, and to be bound by their engagements, Mr. Locke very properly observes, that 'whatever engagements or promises any one has made for himself, he is under the obligation of them, but cannot, by any

Vid. Locke on Government, B. II. § 94, 119.



' any compact whatsoever, bind his chil-  
 ' dren or posterity: for his son, when a  
 ' man, being altogether as free as the  
 ' father, any act of the father can no  
 ' more give away the liberty of the son,  
 ' than it can of any body else. He may  
 ' indeed annex such conditions to the  
 ' land he enjoyed, as a subject of any  
 ' common-wealth, as may oblige his son  
 ' to be of that community, if he will  
 ' enjoy those possessions which were his  
 ' father's; because that estate being his  
 ' father's property, he may dispose, or  
 ' settle it, as he pleases.' And again,  
 ' every man's children being by nature as  
 ' free as himself, or any of his ancestors  
 ' ever were, may, whilst they are in that  
 ' freedom, choose what society they will  
 ' join themselves to, what commonwealth  
 ' they will put themselves under. But if  
 ' they will enjoy the inheritance of their  
 ' ancestors, they must take it on the same  
 ' terms their ancestors had it, and submit  
 ' to all the conditions annexed to such a  
 ' possession.'

THE

THE Dean observes, that ' every peace-  
 ' able and useful subject has a right to the  
 ' protection of the state under which he  
 ' lives, in order to enjoy the fruits of  
 ' his industry: and it would be an act of  
 ' flagrant injustice to debar him of that  
 ' protection, either in whole, or in part.  
 ' But he cannot have the same just pre-  
 ' tensions to demand to be created a ma-  
 ' gistrate or judge '. It was never sup-  
 posed by Mr. Locke, or any of his disci-  
 ples, or by any body else, that every man  
 had a right to demand to be a magistrate,  
 or a judge. It is a very different thing  
 to insist on a right to be represented in  
 the national assembly, in which laws are  
 passed that are to bind every individual of  
 the community, and to demand to be  
 created a magistrate, or a judge. But it  
 is not unusual for Dr. Tucker, in the  
 course of his book, to be employed in  
 combating the monsters of his own ima-  
 gination.

THE Dean says, that, according to the  
 system of Mr. Locke, ' neither the society  
 ' which

‘ which is called *natural*, nor that which  
 ‘ is *political*, can exist at all, till there has  
 ‘ been a previous contract entered into  
 ‘ for the safety and preservation of all  
 ‘ parties \*.’ And in another place he ob-  
 ‘ serves, that ‘ The Lockians have not yet  
 ‘ vouchsafed to tell us, where any one  
 ‘ single copy of this famous original  
 ‘ contract is to be found, in what lan-  
 ‘ guage it was written, in whose hands  
 ‘ deposited, who were the witnesses, nor  
 ‘ in what archives we are to search  
 ‘ for it \*.’

MR. LOCKE has well explained the rea-  
 sons why we meet with few relations of  
 men’s entering into society, or forming  
 governments, in the early ages of man-  
 kind. ‘ It is not at all,’ he says, ‘ to be  
 ‘ wondered at, that history gives us but  
 ‘ a very little account of men, that lived  
 ‘ together in the state of nature. The  
 ‘ inconveniencies of that condition, and  
 ‘ the love and want of society, no sooner  
 ‘ brought any number of them together,  
 H ‘ but



' but they presently united and incorpo-  
 ' rated, if they designed to continue toge-  
 ' ther. And if we may not suppose men  
 ' ever to have been in the state of nature,  
 ' because we hear not much of them in  
 ' such a state, we may as well suppose the  
 ' armies of Salmanasser, or Xerxes, were  
 ' never children, because we hear little  
 ' of them, till they were men, and im-  
 ' bodied in armies. Government is every  
 ' where antecedent to records, and letters  
 ' seldom come in amongst a people, till a  
 ' long continuation of civil society has,  
 ' by other more necessary arts, provided  
 ' for their safety, ease, and plenty: and  
 ' then they begin to look after the history  
 ' of their founders, and search into  
 ' their original, when they have out-lived  
 ' the memory of it: for it is with com-  
 ' monwealths, as with particular persons,  
 ' they are commonly ignorant of their  
 ' own births, and infancies: and if they  
 ' know any thing of their original, they  
 ' are beholden for it, to the accidental  
 ' records that others have kept of it.'

IT

It is not necessary to examine any antient records, in order to discover what is the true foundation of civil government. In inquiries on this subject, the principles of reason and of justice are our best guides; to these Mr. Locke has wisely had recourse; and on these his system is founded. As to Dr. Tucker's *Quasi Contract*, of which he seems so fond, and on which he descants so copiously, as if it were a new and important discovery, it seems to be nothing more than a new term, or rather a new application of an old term, and appropriating it to a very common idea. Dr. Priestley has delivered a sentiment somewhat similar, but more just and comprehensive, when he observed, 'that it must necessarily be understood, 'whether it be expressed or not, that all 'people live in society for their mutual 'advantage; so that the good and happiness of the members, that is the majority of the members of any state, is 'the great standard by which every thing 'relating to that state must be finally determined'. Government, under every form,

<sup>2</sup> Essay on the First Principles of Government, p. 17.

form, must be considered as a trust ; but that must be the most just and legitimate government, which is founded on the universal consent of the people ; and the more authentically that consent has been given and declared, the more firm and indisputable must be the foundations of that government.

THE Dean inquires, “ Whether that  
 “ government is to be justly deemed an  
 “ *usurpation*, which is not founded on  
 “ the express mutual compact of all the  
 “ parties interested therein, or belonging  
 “ thereunto<sup>a</sup> ?” To this it may be answered, that as no government can be established on proper principles, which is not founded on the consent of the majority of the people ; therefore, so far as any political constitution is otherwise founded, so far it is an usurpation. Notwithstanding this, a political constitution may have so many advantages, though its origin and foundation may not be precisely what they ought to be, that it may  
 be



be very far from being advisable to attempt to overturn it. In the present imperfect state of things, less evils must sometimes be submitted to, for the sake of avoiding greater. A wise man would not engage in a scheme to overturn any established system of government, without a probability of success, and without a probability of establishing a better system in its stead. When this can be done, when men's minds are sufficiently enlightened and enlarged, to concur in, and to effectuate such a measure, it would certainly be right; because the great interests of mankind would thereby be promoted. Nor could the partial interests of the ruling powers, in opposition to those of the community at large, be any sufficient reason for abstaining from such a measure, whenever there should be a rational prospect of success. The majority of the inhabitants of any country have a right to establish that mode of government, which they conceive to be best calculated to promote the common benefit: and any forcible attempts, by whomsoever made; to con-

tinue

tinue a form of government, which the majority of the people do not approve, or which they believe to be pernicious, can only be considered as unjust attempts to perpetuate an usurpation.

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 S E C T. III.

THE zeal with which the Dean of Gloucester is animated to overturn the system of Mr. Locke, and to oppose the principles of the assertors of the common rights of mankind, leads him to give an account of the condition and manners of our ancestors in the greatest degree humiliating and degrading. He feels no desire to maintain the honour of his country: but, to support his own political reveries, would represent the majority of the people of England as the descendants of the lowest and the meanest slaves. In his account of "England's former Gothic constitution," he speaks of the villains as the most numerous class of people in the kingdom; and asserts, that the "villains

" re-



“ regardant” were “ slaves in every sense ;” and that “ the villains in gross seem to “ have been on the same footing with the “ Negro slaves at present in the West “ Indies <sup>b</sup>.” He adds, that “ villains, of “ any sort, were never considered as “ citizens at large, or as members of the “ state, but rather as goods and chattels “ of a superior kind, belonging to their “ respective owners or proprietors <sup>c</sup>.” He likewise represents the little traders and artificers as being “ regarded as the private property of their respective patrons “ and protectors, the king and the great “ barons <sup>d</sup>.”

It must be acknowledged, that the tenants in villenage were much oppressed ; that their situation and circumstances in many respects were very servile ; and that the feudal institutions were not favourable to general liberty. But notwithstanding this, the representations of Dr. Tucker can by no means be admitted. It has been justly observed by Mr. Ibbetson, in the

<sup>b</sup> P. 302, 303.

<sup>c</sup> P. 306.

<sup>d</sup> P. 311.

the postscript to his valuable "Dissertation on the national assemblies under the Saxon and Norman governments," that Dean Tucker, "in attempting to debase the rights of the people, has exaggerated the oppressions of the feudal aristocracy;" and "unjustly degraded the tenants in soccage to a state of villenage." But Sir Henry Spelman observes, from the antient book of St. Alban's, that *socmen* (or tenants in soccage) signified *freemen* in the genuine sense of the word. Glanville also makes frequent mention of *free socmen*, and from what that author says relative to them, it is plain, that their property and rights of inheritance were taken no less care of by the law in his time, than those of tenants by knight's service. Nay, in some points, it appears that they had more liberty than the military tenants. But Dr. Tucker very unjustly, and contrary to fact, labours to degrade all the husbandmen of England, in those times, to a state of villenage; and ranks all the

\* Lyttelton's History of Henry II. vol. IV.  
p. 185: edit. 8vo. 1769.

different denominations of men at that period, under the three classes of "slaves, "mechanics, and warriors<sup>f</sup>;" or, as he expresses it in another place, "the villains, the tradesmen, and the gentleman<sup>g</sup>."

WHAT the numbers were of those who were denominated *villains*<sup>h</sup>, and who were in many respects excluded from the general

<sup>f</sup> P. 328.

<sup>g</sup> P. 302.

<sup>h</sup> The class of men termed *villains*, appear originally to have been captives taken in war, and their descendants. Lord Chief Justice Coke, speaking of the origin of villenage, observes, that "the condition of villains from freedom unto bondage, of antient time grew by constitution of nations, *sunt etiam servi liberi homines captivitate de jure gentium*:" and not by the law of nature, as from the time of Noah's flood forward, in which time all things were common to all, and free to all men alike, and lived under the law natural; and by multiplication of people, and making proper and private those things that were common, arose battles.— And then it was ordained by constitution of nations, that none should kill another, but that he that was taken in battle should remain bond to his taker for ever, and to do with him, and all that should come of him, his will and pleasure." Institutes, part I. fol. 116, 117.



general benefit of the laws of the land, it is now difficult, if not impossible, to determine. It is, however, certain, that they must have been much less numerous, than they are represented to have been by Dr. Tucker. He says, 'there was hardly any kind of laborious or servile work in all branches of husbandry performed by any other class of men'. But the account of the general liberty, wealth, and prosperity, of the people of England, which is given by Lord Chief Justice Fortescue, who wrote in the reign of Henry VI. is extremely inconsistent with the supposition of the Dean, that the majority of the people were in a state of abject slavery. Speaking of the king, that great lawyer says, "By his laws he may take away none of his subjects goods, without due satisfaction for the same. Neither doth the king there, either by himself, or by his servants and officers, levy upon his subjects tallages, subsidies, or any other burthens, or alter their laws, or make new laws,

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" without

" without the exprefs consent and agree-  
 " ment of his whole realm in his parlia-  
 " ment. Wherefore every inhabitant of  
 " the realm of England useth and en-  
 " joyeth, at his pleasure, all the fruits  
 " that his land or cattle beareth, with all  
 " the profits and commodities, which,  
 " by his own travail, or by the labour  
 " of others, he gaineth by land or by  
 " water: not hindered by the injury or  
 " wrong detainment of any man, but  
 " that he shall be allowed a reasonable  
 " recompence. And hereby it cometh to  
 " pass, that the men of that land are  
 " rich, having abundance of gold and  
 " silver, and other things necessary  
 " for the maintenance of man's life.  
 " They drink no water, unless it be so,  
 " that some for devotion, and upon a  
 " zeal of penance, do abstain from other  
 " drink; they eat plentifully of all kinds  
 " of flesh and fish; they wear fine woollen  
 " cloth in all their apparel; they have  
 " also abundance of bed-coverings in  
 " their houses, and of all other woollen  
 " stuff. They have great store of all  
 " husselements and implements of house-  
 " hold.

"hold. They are plentifully furnished  
 "with all instruments of husbandry,  
 "and all other things that are requisite to  
 "the accomplishment of a quiet and  
 "wealthy life, according to their estates  
 "and degrees. Neither are they sued in  
 "the law, but only before ordinary  
 "judges, where by the laws of the land  
 "they are justly intreated. Neither are  
 "they arrested or impleaded for their  
 "moveables or possessions, or arraigned  
 "for any offence criminal, be it ever so  
 "great and enormous, but after the laws  
 "of the land, and before the judges  
 "aforesaid <sup>k</sup>."

THE Dean informs his readers, that,  
 antecedent to the æra of the crusades, the  
 boroughs were "little nests of pedlars  
 "and artificers," and were "regarded  
 "as the private property of their re-  
 "spective patrons and protectors<sup>1</sup>." But  
 Mr. Ibbetson has shewn that this was not  
 the case. He has proved, by quotations  
 from

<sup>k</sup> De Laudibus Legum Angliæ, fol. 84, 85, 86.  
 edit. 1672.

<sup>1</sup> P. 310, 311.



from our antient laws, that "the burgesses beneath the Saxon government were protected by charters, and indulged with ample privileges<sup>m</sup>." He adds, that "the customs of Borough English, so different from the Norman opinions, refer the creation of the boroughs to the Saxon age<sup>n</sup>."

DR. Sullivan remarks, that there was always a natural bias in the law of England towards the equal liberty of mankind, and that it countenanced every attempt to abolish villenage<sup>o</sup>, and to shake off the shackles of servitude: and upon this subject he gives the following quotation from judge Fortescue: *Ab homine, et pro vitio introducta est servitus, sed libertas a Deo hominis indita est natura;*

<sup>m</sup> Ibbetson's Dissertation, p. 35.    <sup>n</sup> Ibid. p. 44.

<sup>o</sup> It appears somewhat curious, that it was a part of the common law of the kingdom, that no bastard could be a villain, unless he chose to rank himself in that class. Littleton says, "No bastard may be a villain unless he will acknowledge himself to be a villain in a court of record: for he is in law *quasi nullius filius*, because he cannot be heir to any." *Institutes of the Laws of England*, part I. p. 123. edit. 1656.

*turæ; quare ipsa ab homine sublata semper  
redire gliscit, ut facit omne quod libertate  
naturali privatur*<sup>p</sup>.

Judge Blackstone observes, that “ when  
“ tenure in villenage was abolished, by  
“ the statute of Charles II. there was  
“ hardly a pure villain left in the nation.  
“ For Sir Thomas Smith testifies, that  
“ in all his time, (and he was secretary  
“ to Edward VI.) he never knew any  
“ villain in gross throughout the realm;  
“ and the few villains regardant that were  
“ then remaining were such only as had  
“ belonged to bishops, monasteries, or  
“ other ecclesiastical corporations, in the  
“ preceding times of popery. For he  
“ tells

<sup>p</sup> Lectures on the Feudal and English laws,  
p. 254, 255.

<sup>q</sup> In the passage above referred to by Judge Black-  
stone, Sir Thomas Smith, speaking of *villains in  
gross*, and *villains regardant*, lays, ‘ Neither of the one  
‘ sort, or of the other, have we any number in Eng-  
‘ land. And of the first, I never knew any in the  
‘ realm in my time. Of the second, so few there be,  
‘ that it is not almost worth the speaking; but our  
‘ law doth acknowledge them in both those sorts.’  
Commonwealth of England, p. 249. edit. 1640.

“ tells us, that the holy fathers, monks,  
 “ and friars, had in their confessions, and  
 “ specially in their extreme and deadly sick-  
 “ nefs, convinced the laity how dangerous a  
 “ practice it was, for one Christian man to  
 “ hold another in bondage : so that temporal  
 “ men, by little and little, by reason of that  
 “ terror in their consciences, were glad to  
 “ manumit all their villains’.”

AFTER all our inquiries upon this sub-  
 ject, it must be admitted, that, in the  
 feudal times, great numbers of the hu-  
 man race were in a very servile state, and  
 in a state in which they ought not to  
 have

! Commentaries on the Laws of England, book II,  
 ch. vi. edit. 4to. 1766.

It appears from what follows in Blackstone, that  
 some of the bishops, abbots, and priors, did not  
 manumit their villains. Mr. Daines Barrington in-  
 forms us, that in the year 1514, Henry VIII. manu-  
 mitted two of his villains in the following form :  
 “ Whereas God created all men free, but after-  
 “ wards the laws and customs of nations subjected  
 “ some under the yoke of servitude, we think it pious  
 “ and meritorious with God to manumit Henry  
 “ Knight and John Herle,” &c. *Observations on the*  
 “ Statutes, p. 193.



have been. But surely this is no reason why men should patiently submit, in a more civilized and enlightened age, to the tyranny and oppression of their rulers, or of any class of men whatever.

It is the great excellence of the maxims of government laid down by Mr. Locke, that they are not founded upon inquiries of a dark, and intricate, and disputable nature; but upon those great principles of reason, and of justice, the solidity of which is apparent at all times, and in every country; and which cannot be invalidated by the most authentic precedents of antient tyranny. No length of time can sanctify injustice or oppression, or confer upon any man, or upon any family, the right of trampling upon the liberties of their fellow creatures; of depriving them of those means of comfortable subsistence which the great author of nature has afforded them; or of rendering them miserable, to gratify their own pride, ambition, or avarice.

DEAN Tucker appears to take great delight in giving the most dishonourable view that is possible of the character and manners of our ancestors. "The old English hospitality," says he, "so much boasted of, and so little understood, was for the most part dedicated to the very purposes of retaining and feeding, in the great halls, numbers of people, to be the general pests of society, and a torment to each other." This surely is writing in the style of a mere party man, and not like a candid inquirer into truth, or into the real state of antient manners. Many irregularities and disorders were certainly exhibited by our ancestors in the feudal times: but they were not, as might be presumed from the representation of Dr. Tucker, at least for the most part, a mere collection of robbers and barbarians.

THE Dean takes much pains to shew, that the barons, at the granting of Magna Charta, and other chieftains at different periods, who have opposed the tyranny of

of princes, and endeavoured to procure freedom for themselves, have yet had little inclination to extend it to their dependants<sup>1</sup>. This may be admitted without much difficulty: but it will only prove, the necessity of introducing more enlarged principles of liberty, and systems of government better adapted to secure the common rights of mankind, than have generally prevailed: and this is the very purpose for the promotion of which Mr. Locke's treatise concerning civil government was written.

As to the Dean's own system of government, for a *system* he calls it<sup>2</sup>, it seems so unworthy of that name, that one is somewhat astonished, that even he himself should suppose it to be deserving of that appellation. He styles it a "system of his own;" but I confess, that I can find very little in this system, excepting his *Quasi Contract*, some observations on those propensities in human nature that are supposed to lead men

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<sup>1</sup> P. 155, 167.<sup>2</sup> Preface to Part II,



to society and civil government, and some proposed regulations about the qualifications of candidates, and of voters for members of parliament: which certainly make but a very meagre system of government, to say the best of it. Those observations contained in it which are new, are of little value; and those which are just, are not new, nor inconsistent with the system of Mr. Locke. The maxims of government, laid down by that celebrated writer, are calculated to promote the most important interests of human nature: but Dean Tucker's "True Basis of civil government" comprehends little but partial and local regulations, excepting some concessions, in which are included a few of the ideas and sentiments of Mr. Locke. The Dean has endeavoured to found his system upon "those principles in human nature, which may serve as a basis for any species of civil government to stand upon". Mr. Locke had certainly very different views. He intended, by his treatise

treatise on government, to recommend those maxims of civil policy only, which should be consonant to reason and to justice, and favourable to general freedom, and to general happiness.

ONE great blemish, it seems, in Mr. Locke's system, and which gives much umbrage to the Dean of Gloucester, is, that it is inconsistent with the practice of impressing seamen. But it appears not very necessary to enter into a particular examination of what he has advanced on this head. The practice has been vindicated by great lawyers, as agreeable to the laws of this country, though this has been questioned upon strong grounds. But it can with very little appearance of reason be defended upon principles of justice and humanity; and the practice has been long thought no inconsiderable disgrace to this free country. We may, therefore, without any reflection upon Mr. Locke, acknowledge it to be inconsistent with his system, however consonant it may be to that of Dean Tucker. To enter into a minute investigation of  
this

this subject would probably be tedious to the reader, and cannot be very requisite when we are treating of the general principles of civil government. As to the Dean's observation, that every part of Great Britain ought to be well cultivated, and fully settled, and his recommendation of numerous farm-houses, cottages, and villages \*, all this may be readily acquiesced in by the warmest friend to Mr. Locke's system, and therefore requires no discussion here. Nor shall I make any objection to the Dean's remarks, in his treatise on government, and in his pamphlet entitled *Cui Bono*, relative to the too great readiness with which nations engage in war against each other, as his sentiments on this subject are just and rational, and not unworthy the attention of the public.

Mr. Locke has asserted, that "all men are by nature equal;" and Dean Tucker on the contrary would maintain, that men are not equal, because 'there



‘there is a prodigious variety even in the  
 ‘natural endowments, both of body and  
 ‘mind, belonging to the several indivi-  
 ‘duals of the human species.’ It is ad-  
 mitted, that some men are more strong,  
 or more acute than others; that some  
 possess a larger, and some a smaller  
 portion, of corporeal, or of intellectual  
 vigour. But it is the business of just  
 government to prevent the powerful from  
 oppressing the weak, and such as are more  
 acute from injuring those who have less  
 quickness of perception, or strength of  
 understanding. Mr. Locke acknowledges,  
 that ‘age or virtue may give men a just  
 ‘precedency; and that excellency of  
 ‘parts and merit may place others above  
 ‘the common level.’ But this he justly  
 considers as perfectly consistent with the  
 ‘equality, which all men are in, in re-  
 ‘spect of jurisdiction or dominion one  
 ‘over another;’ and that it affords no  
 solid argument against ‘that equal right,  
 ‘that every man hath, to his natural  
 ‘freedom, without being subjected to the  
 ‘will or authority of any other man.’

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\* P. 125.

\* B. II. § 54.

\* Id. ibid.

As I do not mean to enter into an examination of every passage in the Dean's book, I shall pass slightly over some of those objections, which appear too trifling to make any impression upon the mind, and which cannot merit a very formal answer. Among these may be reckoned his argument relative to the right of women to vote for representatives in parliament: for which he thinks Mr. Locke, if he had been consistent, should have made provision. If Mr. Locke's general principles are admitted in other respects, it will not, probably, be thought any great objection by men of sense, nor give any great offence even to women of sense, that they are excused the trouble of attending in popular political assemblies, and that we have so much regard to the delicacy of the sex, and the weakness of their fibres, as to exclude them from the inconveniences that might possibly attend the tumult of a public election. They may, perhaps, not consider this as a greater hardship, than their being excluded from serving in  
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the militia, or on juries, or from acting as justices of the peace, or as constables.

THE Dean inquires, whether the revolution can be justified, according to the principles of Mr. Locke <sup>b</sup>? To which it may be answered, that it was certainly agreeable to one of his great principles, That the people have at all times a right to dethrone a tyrant: but if all his principles had been adhered to, the mode of effecting that measure would have been somewhat different. Mr. Locke rejoiced at the act of toleration, because he considered it as an augmentation of religious liberty, though, as appears from one of his letters to Limborch, he was convinced it was defective. There can be no reason to doubt, but that his sentiments concerning the revolution were perfectly similar. He rejoiced that a tyrant was dethroned, and that the crown was given to a prince, the avowed reason for whose elevation was, the maintenance of the rights of the people, and who laid him-

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<sup>b</sup> P. 89.



self under the most solemn obligation to defend and preserve those rights. From Mr. Locke's principles it cannot be doubted, but that he would have been better pleased, if the general rights of representation had been more attended to, and if the liberties of the people had been more cautiously guarded, and better secured, than they were, even at the period of the revolution. But the nation was not sufficiently enlightened, nor sufficiently united, to effectuate so desirable and so happy an event.

IN the course of his observations on the revolution, the Dean says, ' The convention-parliament never presumed to start the question, Whether there should be any government, or none at all. Probably because Mr. Locke's system, or rather the consequences of his system, had not then so far prevailed over the understanding of mankind, as to extinguish the feelings of common sense.' It is no part of Mr. Locke's system, that  
government

government is unnecessary, nor is it any consequence from his system. Had he been a member of the convention-parliament himself, he would never have thought of starting any doubt upon the subject. He might have proposed doubts about the mode, and the form of government, and the principles upon which it should have been constituted; but he would not have debated for a moment whether government was necessary. The necessity of some form of civil government was no more questioned by Locke, than by Hooker; and their sentiments relative to this subject appear to have been extremely similar, notwithstanding the laboured attempts of Dr. Tucker to prove the contrary<sup>d</sup>. "The feelings of common sense must be extinguished" in Mr. Locke's readers, before they can be convinced, that he wrote his treatise on civil government, in order to prove that government itself was unnecessary.

<sup>d</sup> P. 400, 401, 402, 403, 404, 405, 406.

THE civility and decency with which Dr. Tucker thinks proper to treat Mr. Locke, and his followers, are not unworthy the attention of the readers of his performance. Of the "Lockians," as he quaintly terms the followers of Mr. Locke, he speaks with such a variety of reproach, as he may possibly imagine does some credit to his invention. The opinions of Mr Locke himself he compliments with the appellations of "idle notions<sup>e</sup>," "strange notions<sup>f</sup>," "extravagant notions<sup>g</sup>," "dreadful notions<sup>h</sup>," "absurd doctrines<sup>i</sup>," and "wild and visionary plans ;" and various other similar and equally elegant flowers of speech; and he says, that his system is "one of the most mischievous, as well as ridiculous schemes, that ever disgraced the reasoning faculties of human nature<sup>l</sup>." But surely there is no ordinary degree of arrogance, in this mode of treating so truly respectable a writer as Mr. Locke. The Dean would, perhaps, not be perfectly pleased, if it were said of his book,

that

<sup>e</sup> P. 203.    <sup>f</sup> P. 76.    <sup>g</sup> P. 76.    <sup>h</sup> P. 81.  
<sup>i</sup> Ibid.    <sup>k</sup> P. 214.    <sup>l</sup> P. 161.



that it is one of the most absurd performances "that ever disgraced the reasoning faculties of human nature:" and yet this might certainly be said of it with abundantly more truth, than this, or any thing similar, can be said of the work, or of the sentiments, of Mr. Locke.

## S E C T. IV.

**T**O animadvert upon every passage in Dr. Tucker's book, would be tedious and superfluous, and must be unnecessary in a vindication of the principles of Mr. Locke. For there are many observations in his work, which have no more connexion with the system of Locke, than with that of Filmer, or any other : and which, therefore, we may safely pass over in silence, or leave the Dean, and the most patient of his readers, to discuss at their leisure. As to his solemn observations upon the indefectibility of government<sup>m</sup>, they are more calculated to excite our risibility, than to lead us to any farther investigation of the

<sup>m</sup> P. 72, &c.

the subject. It is agreed on all hands, that any large bodies of men cannot live together without some mode of government ; and, therefore, the Dean may be allowed to enjoy his idea of its indefectibility, without interruption.

DR. TUCKER has employed several pages of what he calls his " True Basis of " civil government," in proposing some new regulations for ascertaining the qualifications of candidates for seats in parliament<sup>a</sup>: but these regulations would probably be productive of very little benefit, and the subject itself seems of much less importance than has been frequently apprehended. It may reasonably be questioned, whether any of our qualification laws have been of the least service to the constitution ; and whether it would not have been better, if the electors had been left more at large in their choice of representatives. It seems a limitation of the power of the electors, and perhaps an unnecessary one, to confine them, in  
their

<sup>a</sup> P. 276, 291.



their choice of their deputies, or representatives in parliament, to particular classes or descriptions of men. Property naturally carries weight with it; and men possessed of large fortunes are generally esteemed in full proportion to their merit. It will, therefore, seldom happen, that a man of inferior fortune will be preferred to one more wealthy, unless he be superior in point of abilities or integrity: and in such a case, the public will sustain no detriment. Our parliaments have certainly not become more incorrupt since the qualification laws took place. Men who would be corrupted with a small fortune, would perhaps be generally liable to corruption if more wealthy. There are no bounds to the wants of luxury and of vanity. He whose fortune is large, and who can afford to live in a considerable style of expence, may yet be ambitious to excel his neighbour, who is somewhat more opulent, and whose mode of living is more splendid: and this desire may render him more corruptible, than a man of much inferior fortune, whose passions should

should be better regulated, and who should possess more independence of mind. It is manifest, that the possession of great wealth in a representative of the people is no certain security against corruption: for men of the most splendid fortunes have too frequently sold themselves to the minister, for a title, or a ribband.

In small districts, electors have often found it very difficult, and sometimes impracticable, to meet with a man to represent them in parliament, qualified as the law requires, and in whose abilities, public principles, and integrity, they could confide. In such a case, the community would not have been injured, if the laws had permitted them to send as their representative, or deputy, to parliament, a man whose fortune was not equal to what the present qualification laws require, but whose abilities were adequate to the trust, and of whose firmness and integrity they should be convinced. But the spirit of the present qualification laws naturally leads men to think, that, when

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a representative of the people is to be chosen, it is proper to address the electors in the words of Horace :

*O cives, cives, quærenda pecunia primum est,  
Virtus post nummos.*

THAT able and upright senator, ANDREW MARVELL, could not have been chosen a member of parliament in the present age. His abilities and integrity, though the most important of all qualifications, and far more so than the thousand contiguous acres proposed by Dean Tucker, would not have been sufficient to prevent his exclusion. There might, indeed, be some impropriety in men possessed of little fortune being frequently returned to parliament ; but the people would not often return such persons to parliament, if there were no qualification laws ; and it would probably seldom happen, unless in the case of eminent integrity or ability. Wealth, in a candidate, will almost invariably have the preference given it, if attended with any tolerable degree of capacity or virtue, real or imaginary :



ginary: and where those qualifications are wanting, that preference ought not to be given.

If it be supposed, that the qualification laws are necessary to keep out the needy dependants of the minister, experience proves, that this purpose is not answered by them. Whenever the minister wishes to bring a trusty agent into parliament, a man who will engage without blushing or hesitation in every service in which he may be employed, he finds little impediment from the qualification laws. He who holds the purse of the nation, can easily qualify the meanest of his creatures to represent a Cornish borough.

SHOULD these observations not be thought sufficient to evince the impropriety of the qualification laws, they may perhaps at least tend to shew, that they are not of much importance or utility: and, indeed, a late bill brought into parliament, for an augmentation of

the qualifications of members of the house of commons, was very properly rejected.

DEAN TUCKER thinks proper, without much decency, and certainly without justice, to speak in general terms of those as republicans who adopt the principles of Mr. Locke°. It is certain, that a man who embraces those opinions may be a republican; but the generality of those who have been zealous for them in this country, have been warm friends to that mixed form of government which is established in Great Britain, and to the regal succession in the house of Hanover. They might wish for some improvements in the constitution, but they had no desire to establish a republic. Many of them thought, that the constitution of England was so excellently constructed, that its laws were so well adapted for securing the liberty of the subject, and the power of the prince so ascertained and limited, that it was preferable to any republic which had yet been constituted.

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They considered, however, the independance and incorruption of the house of commons, and the legal and constitutional restraints of the power of the crown, as necessary to the preservation of the constitution, and without which it ceased to be entitled to the encomiums that were bestowed on it. They were so far republicans, if that be a reproach, that they thought the king was appointed for the people, and not the people for the king; and they considered the interest of the former, and the preservation of their liberties, as the first object of the constitution. They who suppose, that the mere will and pleasure of the king, or his personal interests, are to be preferred to the general welfare of the nation, are better fitted to be Persian slaves, than citizens of a free country.

It must, however, be acknowledged, that a bad regal administration has a natural tendency to increase the number of republicans. If men find, that even under a mixed form of government, in which the power of the crown is restrained  
and



and limited by law, and under a family who have no claim to ascend the throne but what is founded on the rights of the people, those rights are still invaded, and the interests of the nation disregarded; if they find, that no legal restraints are a sufficient security against regal encroachments; that the mere will and pleasure of the prince, and the gratification of these, however pernicious in their object, either by the exertion of power, or by the influence of corruption, is the great business of administration; if they find, that the treasures of the nation are employed in corrupting the representatives of the people, and in the support of the most destructive measures; such a state of things will naturally lead men to speculate, and to inquire, whether a republic might not be constituted, better calculated to promote the great interests of the people, and superior to any monarchical form of government, however limited or restrained. But such is the attachment of the people of this country to their ancient constitution, and form of government, that there are, comparatively, I believe,

believe, but few, even of those who entirely approve of the sentiments of Mr. Locke, who would not prefer our present limited monarchical constitution to a republic, if its original principles were adhered to, and a just attention paid to the interests of the people, and to the preservation of their liberties.

THE Dean admits, that if kings and magistrates, who are reputed God's viceroy, act contrary to their commission, and no longer conduct themselves as the ministers of God for good, they are not entitled to the obedience of the subject<sup>p</sup>. He also maintains, that wisdom and goodness are such necessary qualifications for the exercise of government, that if they are notoriously wanting, a "sentence of deprivation ought to be pronounced against such unworthy governors, who forfeit all pretensions to be continued in an office, the end and design of which they manifestly pervert<sup>q</sup>." These concessions and principles of the Dean

<sup>p</sup> 420, 421.

<sup>q</sup> 424.

Dean are of so dangerous a tendency to the power and authority of princes, and lead to such mischievous inquiries, that he no longer appears in the gentle guise of an advocate for universal peace and submission. Perhaps a cautious and prudent man may consider him as a preacher of sedition and revolt. If governments that are not wise and good may be overturned, there may be danger lest some of the first thrones in Europe should be shaken to their foundations.

BUT though the Dean admits that subjects have a right to oppose and to resist their governors, he appears in another place to limit this right to "certain cases of extreme necessity." It would, however, be undoubtedly much better, to oppose the first beginnings of tyranny, by making every legal and constitutional stand against it, than to wait till it has arisen to such an height, that nothing but a civil war can prevent its establishment. It is a very absurd opinion, though it appears



appears to be a very prevalent one, that the best method of securing property is to submit implicitly to the measures of government, without examining into their tendency, or considering their consequences. Property is never so secure as under a limited government : and that security always receives additional strength, from a vigilant attention in the governed, to keep those who are invested with power, within the limits that the laws and the constitution have prescribed. For so intoxicating is the nature of power, that when those who are possessed of it are suffered to abuse it with impunity, they are apt to carry their encroachments on the rights of the people to such an height, as eventually to bring on that civil war, the dread of which had occasioned a mean and servile acquiescence in their first advances towards tyranny. Had the unconstitutional measures of Charles I. been vigorously opposed, in the earlier part of his reign, by the generality of men of large property throughout the kingdom, it is not probable that a civil war would have taken place, or the king have lost

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his head upon a scaffold. But the acquiescence of so many of the rich and opulent encouraged him to prosecute his arbitrary schemes, till he involved the nation in all the calamities of civil war, and deservedly brought on his own destruction.

DEAN Tucker observes, in the preface to the second part of his book, that he "imagines, that he has confuted the "Lockian system in the foregoing part "of his work:" and adds, that "he is "supported in this opinion by the judgment of many persons, not only distinguished for their learning and good sense, but also for *their zealous attachment to the civil and religious liberties of "their country.*" It might be hardly consistent with the rules of good breeding, to be too inquisitive concerning the names of the Dean's friends and acquaintance: but, otherwise, it might afford some amusement, to the literary and philosophical world, to be made acquainted who these new converts to the Tuckerian system are.

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THE Dean has urged a variety of arguments in order to prove, that the republics of Sparta, of Athens, and of Rome, are improper models for a commercial state to copy after<sup>s</sup>. These arguments I shall not attempt to controvert. The modes of government established in all these republics had very considerable defects: nor was any one of them founded upon principles equally just, and liberal, and rational, with those recommended by Mr. Locke. Neither shall I enter into a minute examination of the Dean's scriptural observations concerning government. They do not appear to me to be of any great weight in the present argument. Nothing can be more irrational, than to suppose that Christianity, which teaches the natural equality of all mankind, and which commands them to consider each other as brethren, should favour the principles of a despotic government. But I agree with Dr. Tucker, that it does not teach us at what degree of tyranny an active opposition is to commence. It

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leaves

<sup>s</sup> P, 218, 220, 226.



leaves men to their natural feelings upon that subject. It was not the design of the gospel to teach the principles of civil government. It had higher objects in view, with which an attention to this subject would have interfered. It was intended to lead men to a nobler and more elevated state of existence, to teach them to disregard temporal inconveniences and evils of every kind, when placed in competition with the concerns of an eternal world; and, therefore, passed over the regulation of civil communities, as a matter of inferior consideration. But no just inference can be drawn from hence in favour of tyranny, or a servile submission to it, when there is any rational probability of opposing it with success, and of establishing a system of government more equitable, and better suited to answer the purposes for which men enter into society.

## S E C T. V.

**W**HEN a man of enlarged and liberal views contemplates the actual state of the world, and considers how many nations of it are rendered unhappy by the wretched despotism under which they labour, he cannot but regard him as a benefactor to mankind, who endeavours to disseminate among his fellow creatures those sentiments of just and equal liberty, which are calculated to promote the dignity and felicity of human beings. Such sentiments, and such views as these, have deservedly given a very high reputation to the writings of Mr. LOCKE; and have endeared his name to those, who wished to see their species emancipated from the shackles of tyranny, by whomsoever they might be imposed. His treatise concern-  
ing

ing government was not written to answer the purposes of any temporary faction, but to promote the great interests of public freedom. It is the production of an enlightened and vigorous understanding, under the influence of a generous attachment to the rights of human nature.

THAT governments, at least of any extent, have not actually been constituted in conformity to the principles of Mr. Locke, may be acknowledged, and yet it will by no means follow, that his principles are not just. The science of civil government, as well as other sciences, has been, at many periods, in a very imperfect state. A just system of civil government must, from the very nature of it, be the result of much experience and political wisdom. It could not, therefore, be rationally expected, that such a system would be early established amongst mankind. But when just principles of government are discovered, it must be highly irrational to reject them, because they were not discovered earlier, or because the several nations of the world



world have generally been governed by very different maxims. Improvements are desirable in the science of politics, as well as in other sciences: and that system which will promote the happiness of the greatest number of individuals, appears to have a just claim to be considered as the best system.

MR. LOCKE'S Treatise on Government was calculated to increase the liberty of mankind, and to place them in a situation of greater dignity and felicity, than had been afforded them by the various systems of tyranny and oppression, which have taken place, under the name of government, in the different ages and nations of the world. The great aim of Dean Tucker's book seems to be, to support antient systems because they are so, to furnish arguments for perpetuating different kinds of oppression, though not absolute tyranny, and to discourage those noble attempts after a more perfect system of civil policy, which the extension of knowledge, and of science, might give men just reason to hope for, and to expect. Mr. Locke is a clear, rational, consistent

consistent writer; but Dr. Tucker has taken abundant pains to involve him in darkness and obscurity; and to draw imaginary consequences from his propositions, which cannot by any just reasoning be deducible from them, and of which Mr. Locke appears not to have had the most distant conception.

It is the doctrine of Mr. Locke, that all legitimate government is derived from the consent of the people; that men are naturally equal, and that no one has a right to injure another in his life, health, liberty, or possessions; and that no man in civil society ought to be subject to the arbitrary will of others, but only to known and established laws, made by general consent for the common benefit. That no taxes are to be levied on the people, without the consent of the majority, given by themselves, or by their deputies. That the ruling power ought to

‘ Harrington says, that ‘ Government is an art  
‘ whereby a civil society of men is instituted and pre-  
‘ served upon the foundation of common right or  
‘ interest; or (to follow Aristotle and Livy) it is the  
‘ empire of laws, and not of men.’ Oceana, p. 2.

to govern by declared and received laws, and not by extemporary dictates, and undetermined resolutions. That kings and princes, magistrates and rulers of every class, have no just authority but what is delegated to them by the people; and which, when not employed for their benefit, the people have always a right to resume, in whatever hands it may be placed. 'Whoever in authority,' says he, 'exceeds the power given him by the law, and makes use of the force he has under his command, to compass that upon the subject which the law allow not, ceases in that to be a magistrate; and, acting without authority, may be opposed, as any other man, who by force invades the right of another.—The exceeding the bounds of authority is no more a right in a great, than in a petty officer; no more justifiable in a king than a constable; but is so much the worse in him, in that he has more trust put in him, has already a much greater share than the rest of his brethren, and is supposed, from the advantages of his education, employment, and counsellors,



‘to be more knowing in the measures of  
‘right and wrong’.

Mr. Locke did not recommend either a monarchical, or a republican, form of government; but considered the people as having an incontestable right to choose that mode of government, whatever it might be, which they conceived to be most conducive to their interest and happiness. It was, however, his opinion, that, in a monarchical form of government, the power of the prince should be exactly limited and ascertained, and not rendered

§. 202.

“Buchanan, treating of government, and speaking, in general terms, of the person invested with the regal office, and of the necessity of limiting royal prerogative by law, says, “*Quoniam adversus animi affectiones quæ possunt et plerumque solent avertere a vero ne satis firmus sit timemus, legem ei velut collegam, aut potius moderatricem libidinum adjiciemus.*”—“*Nam eum non solum regem, sed etiam hominem esse memini, multa per ignorantiam errantem, multa sponte peccantem, multa prope invitum: quippe animal ad omnem favoris et odii auram facile mutabile. Quod vitium naturæ magistratus augere etiam solet: adeo ut hic potissimum sententiam illam ex comædia veram esse comperiam, Omnes licentia deteriores fieri.*

dered more extensive than was necessary to enable him to discharge properly the duties of his office. He observes, that,

‘ They have a very wrong notion of government, who say, that the people have encroached upon the prerogative, when they have got any part of it to be defined by positive laws: for in so doing they have not pulled from the prince any thing that of right belonged to him, but only declared, that that power which they indefinitely left in his, or his ancestor’s hands, to be exercised for their good, was not a thing which they intended him when he used it otherwise; for the end of government being the good of the community, whatsoever alterations are made in it, tending to that end, cannot be an encroachment upon any body, since nobody in government can have a right tending to any other end; and those only are encroachments,

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which

feri. *Quamobrem legem ei adjungendam censuerunt homines prudentissimi, quæ vel ignoranti viam ostendat, vel aberrantem in viam reducat.*” De Jure Regni apud Scotos, p. 18, 19. edit. 4to. 1580.

‘which prejudice or hinder the public  
‘good’.

MR. Locke defines tyranny in the following terms: ‘Tyranny is the exercise  
‘of power beyond right, which nobody  
‘can have a right to. And this is making  
‘use of the power any one has in his  
‘hands, not for the good of those who are  
‘under it, but for his own private separate  
‘advantage. When the governor,  
‘however entitled, makes not the law,  
‘but his will, the rule; and his commands  
‘and actions are not directed to the  
‘preservation of the properties of the  
‘people, but the satisfaction of his own  
‘ambition, revenge, covetousness, or any  
‘other irregular passion’.—‘Whosoever  
‘uses force without right, as every one  
‘does in society, who does it without  
‘law, puts himself into a state of war  
‘with those against whom he so uses it;  
‘and in that state all former ties are cancelled,  
‘all other rights cease, and every  
‘one



‘one has a right to defend himself, and  
 ‘to resist the aggressor’.

THE doctrines of Mr. Locke concern-  
 ing government, are not only calculated  
 to prevent regal tyranny, but also any  
 abuses of the legislative power, or viola-  
 tions of the trust reposed in the represen-  
 tatives of the people by their constituents.  
 He observes, that ‘though the legislative,  
 ‘whether placed in one or more, whether  
 ‘it be always in being, or only by inter-  
 ‘vals, though it be the supreme power in  
 ‘every commonwealth, yet it is not, nor  
 ‘can possibly be, absolutely arbitrary over  
 ‘the lives and fortunes of the people :  
 ‘for it being but the joint power of every  
 ‘member of the society given up to that  
 ‘person, or assembly, which is legislator ;  
 ‘it can be no more than those persons had  
 ‘in a state of nature, before they entered  
 ‘into society, and gave up to the  
 ‘community : for nobody can transfer  
 ‘to another more power than he has in  
 ‘himself : and nobody has an absolute  
 ‘arbitrary

‘ arbitrary power over himself, or over  
 ‘ any other, to destroy his own life, or  
 ‘ take away the life or property of ano-  
 ‘ ther.’ The legislative power, ‘ in the  
 ‘ utmost bounds of it, is limited to the  
 ‘ public good of the society. It is a power,  
 ‘ that hath no other end but preservation,  
 ‘ and therefore can never have a right to  
 ‘ destroy, enslave, or designedly to im-  
 ‘ poverish the subjects’.

‘ THE legislative being only a fiduciary  
 ‘ power to act for certain ends, there re-  
 ‘ mains still in the people a supreme power  
 ‘ to remove or alter the legislative, when  
 ‘ they find the legislative act contrary to  
 ‘ the trust reposed in them : for all power  
 ‘ given with trust for the attaining an end,  
 ‘ being limited by that end, when ever that  
 ‘ end is manifestly neglected, or opposed,  
 ‘ the trust must necessarily be forfeited,  
 ‘ and the power devolve into the hands of  
 ‘ those that gave it, who may place it  
 ‘ anew where they shall think best for  
 ‘ their safety and security. And thus the

‘ com-

' community perpetually retains a su-  
 ' preme power of saving themselves from  
 ' the attempts and designs of any body,  
 ' even of their legislators, whenever they  
 ' shall be so foolish, or so wicked, as to  
 ' lay and carry on designs against the  
 ' liberties and properties of the subject :  
 ' for no man, or society of men, having  
 ' a power to deliver up their preservation,  
 ' or consequently the means of it, to the  
 ' absolute will and arbitrary dominion of  
 ' another ; whenever any one shall go  
 ' about to bring them into such a slavish  
 ' condition, they will always have a right  
 ' to preserve, what they have not a power  
 ' to part with ; and to rid themselves of  
 ' those, who invade this fundamental,  
 ' sacred, and unalterable law of self-  
 ' preservation, for which they entered  
 ' into society :

' The legislative acts against the trust  
 ' reposed in them, when they endeavour  
 ' to invade the property of the subject,  
 ' and to make themselves, or any part of  
 ' the



' the community, masters, or arbitrary  
 ' disposers of the lives, liberties, or for-  
 ' tunes of the people. The reason why  
 ' men enter into society, is the preserva-  
 ' tion of their property, and the end why  
 ' they choose and authorize a legislative,  
 ' is, that there may be laws made, and  
 ' rules set, as guards and fences to the  
 ' properties of all the members of the  
 ' society, to limit the power, and mode-  
 ' rate the dominion, of every part and  
 ' member of the society : for since it can  
 ' never be supposed to be the will of the  
 ' society, that the legislative should have  
 ' a power to destroy that which every one  
 ' designs to secure, by entering into soci-  
 ' ety, and for which the people submitted  
 ' themselves to legislators of their own  
 ' making ; whenever the legislators en-  
 ' deavour to take away, and destroy the  
 ' property of the people, or to reduce  
 ' them to slavery under arbitrary power,  
 ' they put themselves into a state of war  
 ' with the people, who are thereupon ab-  
 ' solved from any farther obedience, and  
 ' are left to the common refuge, which  
 ' God

‘ God hath provided for all men against  
‘ force and violence<sup>d</sup>.’

MR. Locke also expresses himself with great clearness and propriety on the case of parliament’s being corrupted by the prince. He says, ‘ What I have said  
‘ concerning the legislative in general,  
‘ holds true also concerning the supreme  
‘ executor, who having a double trust  
‘ put in him, both to have a part in the  
‘ legislative, and the supreme execu-  
‘ tion of the law, acts against both,  
‘ when he goes about to set up his own  
‘ arbitrary will as the law of the society.  
‘ He acts also contrary to his trust, when  
‘ he either employs the force, treasure,  
‘ and offices of the society, to corrupt the  
‘ representatives, and gain them to his  
‘ purposes: or openly pre-engages the  
‘ electors, and prescribes to their choice,  
‘ such whom he has, by solicitations,  
‘ threats, promises, or otherwise, won to  
‘ his designs; and employs them to bring  
‘ in such, who have promised before-  
P ‘ hand

' hand what to vote, and what to enact,  
 ' Thus to regulate candidates and electors,  
 ' and new-model the ways of election,  
 ' what is it but to cut up the government  
 ' by the roots, and poison the very foun-  
 ' tain of public security? for the peo-  
 ' ple having reserved to themselves the  
 ' choice of their representatives, as the  
 ' fence to their properties, could do it for  
 ' no other end, but that they might al-  
 ' ways be freely chosen, and so chosen,  
 ' freely act and advise, as the necessity of  
 ' the commonwealth, and the public good  
 ' should, upon examination, and mature  
 ' debates, be judged to require. This,  
 ' those who give their votes before they  
 ' hear the debate, and have weighed the  
 ' reasons on all sides, are not capable of  
 ' doing. To prepare such an assembly  
 ' as this, and endeavour to set up the  
 ' declared abettors of his own will, for  
 ' the true representatives of the people,  
 ' and the law-makers of the society, is  
 ' certainly as great a breach of trust, and  
 ' as perfect a declaration of a design to  
 ' subvert the government, as is possible  
 ' to be met with.'

' PERHAPS



' PERHAPS it will be said, that the  
 ' people being ignorant, and always dis-  
 ' contented, to lay the foundation of go-  
 ' vernment in the unsteady opinion, and  
 ' uncertain humour of the people, is to  
 ' expose it to certain ruin; and no govern-  
 ' ment will be able long to subsist, if the  
 ' people may set up a new legislative,  
 ' whenever they take offence at the old  
 ' one. To this I answer, quite the con-  
 ' trary. People are not so easily got out  
 ' of their old forms, as some are apt to  
 ' suggest. They are hardly to be pre-  
 ' vailed with to amend the acknowledged  
 ' faults in the frame they have been ac-  
 ' customed to. And if there be any  
 ' original defects, or adventitious ones,  
 ' introduced by time, or corruption, it is  
 ' not an easy thing to get them changed,  
 ' even when all the world sees there is an  
 ' opportunity for it.'

' REVOLUTIONS happen not upon every  
 ' little mismanagement in public affairs.  
 ' Great mistakes in the ruling part, many

P 2

' wrong

' wrong and inconvenient laws, and all  
 ' the slips of human frailty, will be borne  
 ' by the people without mutiny or mur-  
 ' mur. But if a long train of abuses,  
 ' prevarications, and artifices, all tending  
 ' the same way, make the design visible to  
 ' the people, and they cannot but feel  
 ' what they lie under, and see whether  
 ' they are going; it is not to be won-  
 ' dered, that they should then rouse  
 ' themselves, and endeavour to put the rule  
 ' into such hands as may secure to them  
 ' the ends for which government was at  
 ' first erected; and without which, an-  
 ' tient names, and specious forms, are so  
 ' far from being better, that they are  
 ' much worse, than the state of nature,  
 ' or pure anarchy; the inconveniences  
 ' being all as great and as near, but the  
 ' remedy farther off, and more difficult.'

' THE doctrine of a power in the peo-  
 ' ple of providing for their safety a-new,  
 ' by a new legislative, when their legisla-  
 ' tors have acted contrary to their trust,  
 ' by

' by invading their property, is the best  
 ' fence against rebellion, and the proba-  
 ' blest means to hinder it: for rebellion  
 ' being an opposition, not to persons, but  
 ' authority, which is founded only in the  
 ' constitutions and laws of the govern-  
 ' ment; those, whoever they be, who  
 ' by force break through, and by force  
 ' justify their violation of them, are truly  
 ' and properly rebels: which they who  
 ' are in power, (by the pretence they  
 ' have to authority, the temptation of  
 ' force they have in their hands, and the  
 ' flattery of those about them) being like-  
 ' liest to do; the properest way to pre-  
 ' vent the evil, is to shew them the dan-  
 ' ger and injustice of it, who are under  
 ' the greatest temptation to run into it<sup>b</sup>.  
 ' The end of government is the good of  
 ' mankind; and which is best for man-  
 ' kind, that the people should be always  
 ' exposed to the boundless will of tyran-  
 ' ny, or that the rulers should be some-  
 ' times liable to be opposed, when they  
 ' grow exorbitant in the use of their  
 ' power,



‘ power, and employ it for the destruction,  
 ‘ and not the preservation of the proper-  
 ‘ ties of the people <sup>1</sup>.’

THE principles of government laid down by Mr. Locke, though founded upon the strongest reason, and upon universal justice, may sometimes be thought to strike so much at the abuses of men in authority, even those of the most elevated rank, and may lead to such vigorous exertions for the abolition of tyranny, by whomsoever exercised, or in whatsoever mode, as may excite some tremulous apprehensions in men of narrow views, and of weak and timid minds. But those who have sufficient strength of understanding, and comprehension of thought, to take into their views the more enlarged interests of humanity, and the great accession of general happiness, which wise and equitable systems of civil policy and government might introduce amongst mankind, will consider the writings of Mr. Locke as having a just claim

claim to be classed amongst the most valuable productions of modern times, and will ever regard their author, as an ornament and an honour to the country which gave him birth.

MR. LOCKE was rendered truly illustrious by his wisdom and his virtue, by the disinterestedness and uprightness of his conduct, by his love of truth, and by his ardent attachment to the great interests of mankind. He analysed the human mind, explained its operations, and illuminated the intellectual world by the sagacity of his researches. He examined into the foundation of civil government, traced it to its true source, and illustrated and enforced its genuine principles. He maintained the justice, the reasonableness, and the necessity of religious toleration, with a clearness, a precision, and a force of argument, that had not been equalled by any preceding writer. He laboured to elucidate the sacred scriptures, to advance the interests of revelation and of virtue, to loosen the bands of tyranny, and to promote the cause of liberty, of justice,

justice, and of humanity. Such was the man, whose character as a writer the Dean of Gloucester has laboured to degrade, whose sentiments he has misrepresented, and whose opinions he flatters himself that he has confuted. But these efforts are fruitless, and these imaginations are vain. The sentiments of Mr. LOCKE are founded upon reason, truth, and justice; and his name will continue to be revered, wherever learning, liberty, and virtue, shall be held in estimation.

WHATEVER propensity there may be in some others, as well as in Dr. Tucker, to speak disrespectfully of the political sentiments of Mr. LOCKE, it is certain, that it was to such principles as his, though not carried to their full extent, that we were indebted for the revolution. It was from an adherence to such principles that Great Britain derived that dignity, and fame, and splendour, by which, since that period, she has been distinguished. It is to a desertion of these principles, that we owe our present national



tional degradation. It is to a desertion of these principles, that we owe the loss of America. And if these principles are generally neglected and disregarded by the people of this country, that public freedom, by which we have been so eminently and so honourably characterized, cannot be of any long continuance; our dignity and reputation as a people, and our national felicity, must be drawing towards a period.

F I N I S.

national degradation. It is to a deterioration of their principles, that we owe the loss of America. And if their principles are generally neglected and disregarded by the people of this country, then public freedom, by which we have been so enriched and so honourably distinguished, cannot be of any long continuance; our dignity and reputation as a people, and our national felicity, must be destroyed in a period.

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